



Rep. John A. Fritchey

Filed: 3/25/2004

09300HB6951ham001

LRB093 21197 DRJ 48715 a

1 AMENDMENT TO HOUSE BILL 6951

2 AMENDMENT NO. _____. Amend House Bill 6951 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2605-323 as follows:

7 (20 ILCS 2605/2605-323 new)

8 Sec. 2605-323. Conviction information for Department of
9 Public Health. On the request of the Department of Public
10 Health, the Department of State Police shall conduct an inquiry
11 pursuant to Section 6.5 of the Youth Camp Act to ascertain
12 whether an employee of a youth camp or a person seeking
13 employment at a youth camp has been convicted of any offense
14 set forth in Section 6.5 of the Youth Camp Act. The Department
15 of State Police shall furnish the conviction information to the
16 Department of Public Health.

17 Section 10. The Youth Camp Act is amended by changing
18 Sections 3.01 and 6 and by adding Sections 3.01a, 3.01b, and
19 6.5 as follows:

20 (210 ILCS 100/3.01) (from Ch. 111 1/2, par. 549.3-01)

21 Sec. 3.01. Youth camp. "Youth camp ~~camp~~" means ~~any parcel~~
22 ~~of land having the general characteristics and features of a~~

1 ~~camp as the term is generally understood, used wholly or in~~
2 ~~part for recreational or instructional purposes and~~
3 ~~accommodating, for profit or under philanthropic or charitable~~
4 ~~auspices, 5 or more children under 18 years of age, apart from~~
5 ~~their parents, relatives or legal guardians for a period of 3~~
6 ~~or more consecutive days or 5 days during the calendar year or~~
7 ~~more. This site may be equipped with temporary or permanent~~
8 ~~buildings and may be operated as a day camp or as a resident~~
9 camp.

10 (Source: P.A. 78-715.)

11 (210 ILCS 100/3.01a new)

12 Sec. 3.01a. Day camp. "Day camp" means any business or
13 program operated wholly or in part for recreational or
14 instructional purposes and accommodating, for profit or under
15 philanthropic or charitable auspices, 5 or more children under
16 18 years of age, apart from their parents, relatives, or legal
17 guardians, whether operated by an individual, a private
18 organization, or a unit of local government or other public
19 entity. The term includes any such program operated for any
20 part of a day or for a longer period. The term does not include
21 any of the following: classroom-based summer instructional
22 programs; or schools subject to the School Code.

23 (210 ILCS 100/3.01b new)

24 Sec. 3.01b. Resident camp. "Resident camp" means any parcel
25 of land having the general characteristics and features of a
26 camp as the term is generally understood, used wholly or in
27 part for recreational or instructional purposes, whether
28 operated by an individual, a private organization, or a unit of
29 local government or other public entity, and accommodating, for
30 profit or under philanthropic or charitable auspices, 5 or more
31 children under 18 years of age, apart from their parents,
32 relatives, or legal guardians, for a period of 3 or more

1 consecutive days or 5 or more days during the calendar year.

2 (210 ILCS 100/6) (from Ch. 111 1/2, par. 549.6)

3 Sec. 6. Resident camp; construction permit. After
4 January 1, 2005 ~~1974~~, it shall be unlawful for any person to
5 construct any resident ~~youth~~ camp as herein defined unless he
6 holds a valid construction permit issued by the Department.
7 Construction permits shall be issued to the person identified
8 in the application for the specific construction described
9 therein and shall be valid for one year from date of issue. All
10 applications for a construction permit shall be made to the
11 Department on forms furnished by the Department and shall
12 contain the following:

13 (a) Name and address of applicant.

14 (b) The name and address of all persons having an interest
15 in the proposed resident ~~youth~~ camp.

16 (c) Location and legal description of the proposed resident
17 ~~youth~~ camp.

18 (d) Plans and specifications for the construction of the
19 proposed resident ~~youth~~ camp which shall include:

20 (1) The area and the dimensions of the tract of land;

21 (2) The location of roadways;

22 (3) The location of service buildings, sanitary stations,
23 and any other proposed structures or facilities;

24 (4) The location of water and sewer lines and rise pipes;

25 (5) Plans and specifications of food handling facilities,
26 water supply, refuse and sewage disposal facilities;

27 (6) Plans and specifications of all buildings constructed,
28 or to be constructed within the resident ~~youth~~ camp;

29 (7) The location and details of all lighting and electrical
30 systems;

31 (8) The location and description of all swimming and
32 bathing areas;

33 (e) The calendar months of the year during which the

1 applicant will operate the resident ~~youth~~ camp.

2 (f) A statement of the fire fighting facilities, public or
3 private, which are available to the resident ~~youth~~ camp.

4 (g) Such other information as may be required by rules
5 adopted by the Department hereunder.

6 (Source: P.A. 78-715.)

7 (210 ILCS 100/6.5 new)

8 Sec. 6.5. Youth camp employees; criminal background
9 investigations.

10 (a) After January 1, 2005, every person who is 18 years of
11 age or older and who is an employee of a licensee or a person
12 seeking employment with a licensee must, as a condition of such
13 employment, authorize an investigation to determine whether
14 the employee or person seeking employment (i) has been
15 convicted, after attaining the age of 18 years, of any of the
16 enumerated criminal or drug offenses in subsection (c) of this
17 Section or (ii) has been convicted, after attaining the age of
18 18 years and within 7 years preceding the effective date of
19 this amendatory Act of the 93rd General Assembly or the date of
20 the application for employment with the licensee, whichever is
21 earlier, of any other felony under the laws of this State or of
22 any offense committed or attempted in any other state or
23 against the laws of the United States that, if committed or
24 attempted in this State, would have been punishable as a felony
25 under the laws of this State. Authorization for the
26 investigation shall be furnished to the licensee by the
27 employee or person seeking employment. Upon receipt of this
28 authorization, the licensee, as a condition of licensure under
29 this Act, shall submit the applicant's name, sex, race, date of
30 birth, and social security number to the Department of Public
31 Health, which shall then submit that information to the
32 Department of State Police on forms prescribed by the
33 Department of State Police. The Department of Public Health

1 shall promptly notify the licensee that the Department has
2 requested the investigation.

3 The Department of State Police shall conduct a search of
4 the Illinois criminal history records database to ascertain
5 whether the employee or person seeking employment has been
6 convicted, after attaining the age of 18 years, of committing
7 or attempting to commit any of the enumerated criminal or drug
8 offenses in subsection (c) or has been convicted of committing
9 or attempting to commit, after attaining the age of 18 years
10 and within 7 years preceding the effective date of this
11 amendatory Act of the 93rd General Assembly or the date of the
12 application for employment with the licensee, whichever is
13 earlier, any other felony under the laws of this State or of
14 any offense committed or attempted in any other state or
15 against the laws of the United States that, if committed or
16 attempted in this State, would have been punishable as a felony
17 under the laws of this State. The Department of State Police
18 shall charge the Department of Public Health a fee for
19 conducting the investigation, and that fee shall be deposited
20 into the State Police Services Fund. The fee shall not exceed
21 the cost of the inquiry. The Department of Public Health shall
22 request reimbursement of the amount of the fee from the
23 licensee.

24 (b) If the search of the Illinois criminal history records
25 database indicates that the employee or person seeking
26 employment has been convicted, after attaining the age of 18
27 years, of committing or attempting to commit any of the
28 enumerated criminal or drug offenses in subsection (c) or has
29 been convicted of committing or attempting to commit, after
30 attaining the age of 18 years and within 7 years preceding the
31 effective date of this amendatory Act of the 93rd General
32 Assembly or the date of the application for employment with the
33 licensee, whichever is earlier, any other felony under the laws
34 of this State, the Department of State Police and the Federal

1 Bureau of Investigation shall furnish, pursuant to a
2 fingerprint-based background check, records of convictions,
3 until expunged, to the Department of Public Health. Any
4 information concerning the record of convictions obtained by
5 the Department of Public Health shall be confidential and may
6 be transmitted only to the licensee. A copy of the record of
7 convictions obtained from the Department of State Police shall
8 be provided to the employee or person seeking employment. Any
9 person who releases any confidential information concerning
10 any criminal convictions of an employee of a licensee or a
11 person seeking employment with a licensee is guilty of a Class
12 A misdemeanor, unless the release of such information is
13 authorized by this Section.

14 (c) A licensee may not knowingly employ a person who has
15 been convicted for committing attempted first degree murder or
16 for committing or attempting to commit first degree murder or a
17 Class X felony or any one or more of the following offenses:
18 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
19 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
20 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
21 Criminal Code of 1961; (ii) those defined in the Cannabis
22 Control Act except those defined in Sections 4(a), 4(b) and
23 5(a) of that Act; (iii) those defined in the Illinois
24 Controlled Substances Act; and (iv) any offense committed or
25 attempted in any other state or against the laws of the United
26 States that, if committed or attempted in this State, would
27 have been punishable as one or more of the foregoing offenses.
28 Further, a licensee may not knowingly employ a person who has
29 been found to be the perpetrator of sexual or physical abuse of
30 any minor under 18 years of age pursuant to proceedings under
31 Article II of the Juvenile Court Act of 1987.

32 (d) A licensee may not knowingly employ a person for whom a
33 criminal background investigation has not been initiated under
34 this Section.

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.28 as follows:

3 (30 ILCS 805/8.28 new)

4 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 93rd General Assembly.

8 Section 99. Effective date. This Act takes effect January
9 1, 2005."